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10/693,178

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Oleg Koutyrine

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EXAMINER

CHAVIS, JOHN Q

ART UNIT

PAPER NUMBER

2193

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/693,178

Applicant(s)

KOUTYRINE ET AL.

Examiner

John Chavis

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 17-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Newly submitted claim 17-21 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the feature of generating different runtime objects is classified in class/subclass 717/106; while, the previous application is classified in class/subclass 717/148.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 17-21 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because some of the figures contain unevenly dark lines and faded lettering (for example, see figs. 6, 7, 10, 11 and 21). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Greene et al. (6,922,685). The previous action is hereby repeated with responses to the applicant's arguments in **bold** lettering.

What is claimed is:

Greene

1. A computer system for selectively retrieving runtime objects in an application development environment, comprising:

See the title, abstract and fig. 11B.

...a plurality of server runtime objects;

See item 1126 of fig. 11B, col. 28 lines 20-26 and lines 58-61.

...a plurality of local runtime objects, each local runtime object including a generation setting associated with generation of the respective local

See col. 61, items 62-66 and col. 62 lines 21-30.

runtime object; and

...a generator component responsive to a request for a requested runtime object by being configured to retrieve a valid copy of the requested runtime object from the plurality of local runtime objects if therein, and to otherwise retrieve the valid copy of the requested runtime object from the plurality of server runtime objects if therein.

See the enterprise repository lookup in col. 56 lines 21-24 and the smart proxy in col. 59 line 58-col. 60 line 19. **The applicant claims that Green does not teach every feature of his claim; however, for example, in claim 1, the applicant claims a computer system, while actual components of a computer system is considered hardware. Therefore, the first memory and the second memory are actually considered Components of a computer system. Also, the processor is considered component of a computer system. The information stored in a memory unit is not a part of a computer system.**

The applicant further indicates that Green does not teach generation settings; however, Green indicates that object attributes (generation settings) are checked to link objects. The applicant indicates that a generation setting can be debug information, etc, and later indicate that his system indicates a generation timestamp. Therefore, generation information is interpreted broadly as anything that can help identify components for debugging. Therefore, a name, version number etc. can also be generation settings; since, they are generated as the item is developed and can assist in debugging. Green's attribute information is considered to also fit in this category since it is also used to identify related components and can later be used for debugging.

The applicant merely use his generation components to retrieve a copy of requested data. Green's attributes are used for the same purpose, see again the abstract, fig. 11b and item 1136 of 11c. Therefore, Green teach each of the claimed features.

2. The system of claim 1, wherein the processor component is configured to invalidate a local runtime object when the local runtime object's generation setting does not match a current generation setting.

See the "self-healing" function in the cited portion of col. 60 above. Green is also considered to teach this feature via figs. 11c (item 1138), 12c (item 1280), fig. 13b (item 1340), and fig. 15a (see especially the first Two steps). Green's identifying of dead services is considered to invalidate. The applicants also indicates that Green does not teach local runtime objects; however, see again the local service lookup in figs. 11b and 11c and note that objects are being looked up via fig. 11b. Figure 11b also indicates that the objects are looked up at runtime.

3. The system of claim 1, wherein the generator component retrieves the local runtime object by being configured to return a data element indicating the requested local runtime object's validity.

" " " "

4. The system of claim 1, further comprising a local database including a first data structure and a second data structure, the second data structure configured to store a plurality of pointers, at least one pointer configured to identify a

" " " "

local runtime object from the plurality of local runtime objects, the first data structure configured to store a plurality of commands, the commands configured to manipulate the second data structure.

As per claims 5-7, 9, and 13-14, see the rejection of claim 1 above. **The applicant also indicates that Green does not teach pointers and checksum values; however, the feature is considered in when dealing with sensitive information like customer account information (see col. 2 lines 38-45) and addresses as specified in figs. 17a, 17b, 31, 33, 34 and 38. The applicant also indicated that Green does not teach a registry; however, see fig. 40.**

In reference to claims 8 and 15, see col. 32 lines 16-39.

The features of claims 10-12 are taught via the rejection of claims 2-4.

The current application does not specifically refer to objects as "local objects" and "server objects"; however, those features are considered addressed above by their inherent location. Furthermore, the other references cited in this action, by the same inventor, in related applications, specifically recite each of the features.

As per claims 16, see the rejection of claims 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC



John Chavis
Primary Examiner AU-2193